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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

A BASE IX CO. LLC, a New York Corporation, Plaintiff, v. S&J APPAREL, INC., a California Corporation, dba Cleo Apparel, dba Jasmine Apparel, dba Naked Apparel; STEVEN YOUNG aka STEPHEN JUNG, an individual; RAINBOW APPAREL DISTRIBUTION CENTER, CORP., a New Jersey Corporation; RAINBOW USA, INC., a New York Corporation; and DOES 1-25, inclusive, Defendants.	Case No. 2:17 cv 003920 COMPLAINT FOR: [1] TRADEMARK INFRINGEMENT [15 U.S.C. § 1114] [2] FALSE DESIGNATION OF ORIGIN [15 U.S.C. § 1125] [3] TRADEMARK COUNTERFEITING [15 U.S.C. § 1117] [4] FALSE ADVERTISING [15 U.S.C. § 1125] [5] COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION [6] VIOLATION OF CAL. BUS. & PROF. CODE § 17200

[7] VIOLATION OF CAL. BUS. & PROC. CODE § 17500

[8] VIOLATION OF CAL. BUS. & PROF. CODE 17247

[9] COMMON LAW CIIVIL CONSPIRACY

DEMAND FOR JURY TRIAL

Plaintiff A Base IX Co. LLC brings this action against Defendants S&J APPAREL, INC. dba Cleo Apparel, dba Jasmine Apparel, dba Naked Apparel ("S&J"), STEVEN YOUNG aka STEPHEN JUNG ("JUNG"), RAINBOW APPAREL DISTRIBUTION CENTER, CORP. and RAINBOW USA, INC. (collectively, "RAINBOW"), and DOES 1 THROUGH 25, for preliminary and permanent injunctive relief and damages, and alleges as follows:

JURISDICTION AND VENUE

1. This action arises out of Defendants' infringement of Plaintiff's rights with respect to its trademark "GLITZ" ("the GLITZ Mark"), some of which infringement was knowing and willful. Defendants have copied Plaintiff's GLITZ Mark, and designed, manufactured, sold or offered for sale, women's garments in this jurisdiction and elsewhere in interstate commerce bearing the GLITZ Mark, which actions constitute trademark infringement in violation of § 32 of the Lanham Act, codified at 15 U.S.C. § 1114, false designation of origin and false advertising in violation of § 43(a) of the Lanham Act, codified at 15 U.S.C. § 1125(a), and trademark counterfeiting under § 35 of the Lanham Act, codified at 15 U.S.C. § 1117. Defendants have also engaged in trademark infringement, passing off and unfair competition under the common law

and the laws of the State of California. Moreover, Defendants have committed the aforementioned violations of law pursuant to a civil conspiracy.

2. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338(a), and 1338(b) in that this action arises under the Lanham Act.

3. This Court has personal jurisdiction over Defendants S&J, Rainbow Distribution Center, Corp., Rainbow USA, Inc., and Doe defendants 1-25 which upon information and belief do substantial business in this judicial district. Personal jurisdiction of this Court over Defendant S&J also exists because said defendant is incorporated in and/or a resident of the State of California. With regard to personal jurisdiction over Defendant JUNG, Plaintiff is informed and believes that this individual is, and at all times herein mentioned was, a resident of Los Angeles County, California. Defendants' conduct directly affects Plaintiff's sale of its trademarked products in this judicial district. This Court also has long-arm jurisdiction over Defendants' conduct pursuant to Cal. Civ. Pro. Code § 410.10 *et seq*.

4. Venue is proper in this District under 28 U.S.C. § 1391 because Defendants are subject to personal jurisdiction in this District and because a substantial number of the events giving rise to the claims made herein occurred in this District.

PARTIES

5. Plaintiff is a corporation organized and existing under the laws of the State of New York with its principal place of business at 525 7th Avenue, Suite 1508, New York, NY 10018.

6. Plaintiff is informed and believes that at all times material hereto, Defendant S&J (dba Cleo Apparel, Jasmine Apparel, and Naked Apparel) is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 1901 East 55th Street, Vernon, CA 90058. Plaintiff is informed and believes that S&J is thinly capitalized and may lack assets to satisfy

any damages or other monetary relief that might be awarded to Plaintiff pursuant to a judgment rendered herein.

7. Plaintiff is informed and believes that Defendant JUNG is now and was at all times relevant hereto, the sole operator, owner, and/or majority shareholder of Defendant S&J, and was personally involved in the selection and use of the GLITZ Mark affixed to garments sold by Defendant S&J. Plaintiff is informed and believes that Defendant Jung exercises pervasive if not exclusive control over Defendant S&J, and that Defendant S&J is merely an alter ego of Defendant Jung.

8. Plaintiff is informed and believes that at all times material hereto, Defendant Rainbow Apparel Distribution Center, Corp. is a New Jersey corporation, with its principal place of business located at 1000 Pennsylvania Ave., Brooklyn, NY 11027.

9. Plaintiff is informed and believes that at all times material hereto, Defendant Rainbow USA, Inc. is a New York corporation, with its principal place of business located at 1000 Pennsylvania Ave., Brooklyn, NY 11027.

10. Plaintiff is informed and believes that at all times material hereto Defendants S&J, RAINBOW, JUNG, and/or Does 1-25 knowingly and intentionally entered into a common plan and design to infringe the GLITZ Mark and thereby cause the damage alleged herein.

11. Plaintiff is informed and believes that some of the defendants designated herein as Does 1 through 12 are manufacturers and/or vendors of garment labels bearing the GLITZ Mark, of incomplete garments destined to bear the GLITZ Mark, or of finished or incomplete garments bearing the GLITZ Mark, which they sold to Defendant S&J or other Does 1 through 12 and which activities infringed or wrongfully contributed to the infringement of the GLITZ Mark without Plaintiff's knowledge or consent. The true names, identities, and individual or corporate capacities of Does 1 through 12 are presently unknown to Plaintiff but Plaintiff will seek leave to amend this complaint to

allege their true names, identities, capacities, and wrongful acts when that information has been ascertained.

12. Plaintiff is informed and believes that some of the defendants designated herein as Does 13 through 25 are other parties not yet identified who infringed or wrongfully contributed to the infringement of the GLITZ Mark without Plaintiff's knowledge or consent. The true names, identities, and individual or corporate capacities of Does 13 through 25 are presently unknown to Plaintiff but Plaintiff will seek leave to amend this complaint to allege their true names, identities, capacities, and wrongful acts when that information has been ascertained.

FACTS COMMON TO ALL CAUSES OF ACTION

13. Plaintiff is a clothing designer, importer, and distributor with its principal place of business located in New York.

14. Plaintiff sells women's garments to various retailers throughout the country, including to RAINBOW and other retailers and wholesalers located in California and in this judicial District.

15. On May 21, 2015, Plaintiff's predecessor in interest of the GLITZ Mark filed an application with the U.S. Patent and Trademark Office ("PTO") for the registration of the trademark "GLITZ" for use in connection with women's apparel (including "Tops for ladies") to be sold in U.S. commerce. The GLITZ Mark has been used in U.S. commerce at least as early as January 1, 2016, and the GLITZ Mark matured into a registered trademark on February 28, 2017 (*see* U.S. Reg. No. 5,151,852).

16. On April 21, 2017, Plaintiff was assigned all right, title and interest in the GLITZ mark, including the exclusive right to sue for past infringements and to retain any damages obtained as a result thereof. The GLITZ Mark is owned by Plaintiff and is used in conjunction with the labeling, advertising and sale of women's garments including upper garments, *i.e.*, "tops" for ladies.

17. Plaintiff owns an established business importing and selling garments with the GLITZ Mark including tops for ladies.

18. As of May 22, 2017, Plaintiff has shipped throughout the country over 5,000,000 (five million) women's garments bearing the GLITZ trademark since Plaintiff first started using the mark in commerce. Accordingly, retailers and consumers throughout the country have become familiar with the GLITZ Mark which has concomitantly developed a significant amount of goodwill.

19. One or more of the Defendants have copied and used the GLITZ Mark on women's garments (including tops for ladies) without Plaintiff's authorization.

20. Defendants have engaged in the business of designing, manufacturing and/or selling women's garments (including tops for ladies) bearing the GLITZ Mark in violation of Plaintiff's rights.

21. Some or all Defendants have sold garments using the GLITZ Mark without permission, both before and after the issuance of cease and desist letters sent to them by Plaintiff on May 10, 2017 via overnight delivery, which letters led to a meeting between Plaintiff and Defendant JUNG on May 11, 2017 to discuss the situation.

22. Defendants have not now, or ever in the past, sought or obtained a license or permission from Plaintiffs for the use of the GLITZ Mark.

23. Plaintiff is informed and believes that Defendants intentionally misappropriated Plaintiff's GLITZ Mark, and traded upon the goodwill which Plaintiff had developed in connection therewith, leading customers to believe that Plaintiff was the source of such products and services, which in fact do not originate with Plaintiff and are not sponsored by, nor affiliated with Plaintiff.

FIRST CAUSE OF ACTION

(For Federal Trademark Infringement – Against All Defendants, and Each)

24. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 23 above.

25. Defendants' historical, continuous and unauthorized use of the GLITZ Mark constitutes trademark infringement under 15 U.S.C. § 1114.

26. Defendants' wrongful use in commerce of the GLITZ Mark is likely to (i) cause confusion and mistake in the minds of the public with respect to the origin, affiliation and source of Defendant's products, and (ii) to deceive purchasers of such products into believing that Plaintiff controls the quality thereof and endorses same.

27. Defendants also contribute to the infringement by selling products to third parties with actual and/or constructive knowledge that such third parties would sell or use the products and thus directly infringe the GLITZ Mark.

28. Defendants also induce infringement by selling products to third parties who Defendants intentionally induce to infringe the GLITZ Mark, and who do infringe the GLITZ Mark.

29. Defendants' acts of trademark infringement are willful and have been committed with intent to cause confusion, mistake and deception.

30. As a direct and proximate result of Defendants' wrongful acts, Plaintiff has suffered and continues to suffer lost profits and damages to its business reputation and goodwill. Defendants will continue, unless restrained, to use Plaintiff's registered trademark and will cause further irreparable harm to Plaintiff. Plaintiff has no adequate remedy at law for the damages caused by Defendants' infringements. Plaintiff is thus entitled to an injunction restraining Defendants, their officers, agents and employees and all persons acting in concert with them, from engaging in further acts of trademark infringement.

31. Plaintiff is further entitled to recover from Defendant damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount to be determined at trial.

32. Plaintiff is further entitled to recover from Defendants the gains, profit and advantages Defendants have obtained as a result of their wrongful acts in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(For False Designation of Origin Under the Lanham Act – Against All Defendants, and Each)

33. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 through 32 above.

34. Defendants have designed, manufactured, and sold garments (including tops for ladies) labeled with the word "GLITZ". Defendants' garments have been sold at or near the same price points as Plaintiff's garments as well as at higher price points, are made of the same or similar fabric, are designed in similar styles, and are sold in the same channels of trade including in some cases the same stores and store departments with Defendants' infringing garments appearing alongside Plaintiff's garments (including in RAINBOW stores).

35. This pattern of conduct is likely to cause confusion among prospective purchasers. Defendants' unauthorized use of the GLITZ Mark in this manner is not authorized by Plaintiff.

36. Defendants' unauthorized use of the GLITZ Mark is likely to cause the purchasing public to believe that the unauthorized garments are authorized, sponsored, manufactured or sold by Plaintiff, and that the unauthorized garments are made to the same levels of quality control and regulation required by Plaintiff, despite the fact that this is not true.

37. Defendants' actions constitute a false designation of origin pursuant to 15 U.S.C. § 1125, by the unauthorized use of the GLITZ Mark in the advertisement, offering for sale and/or sale of garments to the public.

38. As a direct and proximate result of Defendants' wrongful acts, Plaintiff has suffered and continues to suffer lost profits and damages to its business reputation and goodwill. Defendants' continued use of marks confusingly similar to the GLITZ Mark causes irreparable damage to Plaintiff for which Plaintiff has no adequate remedy at law.

39. Plaintiff is entitled to an injunction restraining Defendants, their officers, agents and employees and all those acting in concert with them from engaging in further acts of false designation of origin.

40. Plaintiff is entitled to recover from Defendants all gains, profits and advantages which Defendants have enjoyed as a result of their wrongful acts in an amount to be determined at trial.

THIRD CAUSE OF ACTION

(For Federal Trademark Counterfeiting – Against All Defendants, and Each)

41. Plaintiff repeats, realleges and incorporates by reference all the allegations contained in paragraphs 1 through 40, above.

42. Defendants have designed, produced and sold garments (including tops for ladies) bearing the GLITZ Mark nationwide since at least November 2016.

43. Defendants garments are of similar general use, have been sold at or near the same price points as Plaintiff's garments as well as at higher price points, are made of the same or similar fabric, are designed in similar styles, and are sold in the same channels of trade including in some cases the same stores and store departments with Defendants' infringing garments appearing alongside Plaintiff's garments (including in RAINBOW stores).

44. The actions by Defendants are likely to cause the purchasing public to believe that Defendants' garments are authorized, sponsored, or approved by Plaintiff, despite the fact that this is not true.

45. Plaintiff has sustained injury in that it has not received any license fees or royalties for the use of its mark on garments sold by Defendants.

46. Defendants' use of the GLITZ Mark in this manner constitutes an attempt by Defendants to appropriate to themselves Plaintiff's exclusive rights to the GLITZ Mark, along with the benefits which accrue to those rights.

47. Defendants' actions in selling garments bearing the GLITZ Mark which were not made or sold by Plaintiff, is likely to cause and already has caused confusion among purchasers of women's' garments.

48. Plaintiff has created goodwill and a favorable business reputation surrounding its line of garments sold under the GLITZ Mark.

49. Defendants' unauthorized use of the GLITZ Mark for the advertisement and sale of their garments has been for their own commercial gain.

50. On February 28, 2017, the GLITZ Mark was registered on the PTO's Principal Register and was assigned U.S. Reg. No. 5,151,852. Defendants' unauthorized use of the GLITZ Mark since that date constitutes trademark counterfeiting under 15 U.S.C. § 1117(b).

51. Defendants' acts of trademark counterfeiting on and after the February 28, 2017 registration date of the GLITZ Mark, including willful and deliberate acts of counterfeiting, have caused, and will continue to cause, irreparable injury to Plaintiff's business and reputation, as well as pecuniary damages to Plaintiff, which amounts will be determined at trial.

52. Plaintiff has no adequate remedy at law for Defendants' counterfeiting of the GLITZ Mark. This irreparable injury will continue unless or until the Court

preliminarily and/or permanently enjoins Defendants from the unauthorized use of the GLITZ Mark.

FOURTH CAUSE OF ACTION

(For False Advertising Under the Lanham Act – Against All Defendants, and Each)

53. Plaintiff repeats, realleges and incorporates by reference all the allegations contained in paragraphs 1 through 52, above.

54. Defendants' actions described above, including the unauthorized use of the GLITZ Mark affixed to women's garments sold in U.S. commerce, imply that the garments are associated with, endorsed by or made by Plaintiff, which constitutes false advertising in violation of 15 U.S.C. § 1125(a)(1)(B).

55. Consumers are likely to be misled and deceived into believing, based upon the unauthorized use of the GLITZ Mark on garments sold by Defendants, that those garments are made by, endorsed by, sponsored by, approved by, or somehow affiliated with Plaintiff.

56. Defendants knew or should have known that their representations and conduct were false or likely to mislead.

57. Defendants' willful and deliberate acts of false advertising have caused, and will continue to cause irreparable injury to Plaintiff's business, loss of its goodwill and reputation and other pecuniary damages to Plaintiff in an amount to be determined at trial. Such damages will continue to accrue and increase unless and until this Court enjoins Defendants from further infringing acts.

58. Plaintiff is entitled to recover from Defendants all gains, profits and advantages which Defendants have enjoyed as a result of their wrongful acts.

FIFTH CAUSE OF ACTION

(For Common Law Unfair Competition – Against All Defendants, and Each)

59. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 58 above.

60. Plaintiff is informed and believes, and on that basis alleges that Defendants have engaged in the conduct complained of herein with the intent to compete unfairly against Plaintiff, and to trade upon Plaintiff's reputation and goodwill. This causes confusion and mistake among retail purchasers, employees of retail stores who issue purchase orders for Plaintiff's garments bearing the GLITZ Mark, and the public at large, and deceives retail purchasers, retail store employees, and the public at large into believing that Defendants' infringing garments are associated with, made by, sponsored by, endorsed, or approved by Plaintiff.

61. Defendants acts constitute unfair competition under the common law of the State of California.

62. Because of Defendants' actions, Plaintiff has suffered and continues to suffer lost profits and damages to its business reputation and goodwill.

63. Defendants' continued use of the GLITZ Mark will, unless restrained by this Court, cause irreparable damage to Plaintiff. Therefore, Plaintiff is entitled to an injunction restraining Defendants, their officers, agents and employees, as well as those acting in concert with them, from engaging in any further acts of unfair competition.

64. Plaintiff is entitled to recover from Defendants all gains, profits and advantages which Defendants have enjoyed as a result of their wrongful acts, which amounts will be determined at trial. Such irreparable injury will continue to accrue unless and until Defendants are enjoined from further violation of Plaintiff's rights, for which Plaintiff has no adequate remedy at law.

65. Plaintiff is entitled to recover from Defendants all gains, profits and advantages which Defendants have enjoyed as a result of their wrongful acts.

SIXTH CAUSE OF ACTION

(For California Statutory Unfair Competition Under Cal. Business & Professions Code § 17200 *et seq*.– Against All Defendants, and Each)

66. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 65 above.

67. By using the GLITZ Mark to label their garments in a manner that is inherently confusingly similar to Plaintiff's use of the GLITZ Mark, Defendants have willfully and without authorization appropriated the exclusive property of Plaintiff.

68. By their unauthorized use of the GLITZ Mark in the labeling, advertisement and sale of competing garments, Defendants have been and will continue to be able to sell their infringing garments as a substitute for Plaintiff's garments made and sold under the GLITZ Mark. Defendants have thus intentionally caused a likelihood of confusion among the public and unfairly competed in violation of California Business & Professions Code § 17200 *et seq*.

69. Defendants' acts constitute unlawful, unfair, malicious and fraudulent business practices which have seriously injured Plaintiff and its business in California.

70. Defendants have irreparably injured Plaintiff, and such injury will continue unless or until Defendants are preliminarily or permanently enjoined from the unauthorized use of the GLITZ Mark.

SEVENTH CAUSE OF ACTION

(For California Statutory False Advertising Under Cal. Business & Professions Code § 17500 *et seq*.– Against All Defendants, and Each)

71. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 70 above.

72. By using the GLITZ Mark to label their garments in a manner that is inherently confusingly similar to Plaintiff's use of the GLITZ Mark, Defendants have willfully and without authorization appropriated the exclusive property of Plaintiff.

73. By their unauthorized use of the GLITZ Mark in the labeling, advertisement and sale of competing garments, Defendants have been and will continue to be able to sell their infringing garments as a substitute for Plaintiff's garments made and sold under the GLITZ Mark. Defendants have thus intentionally falsely advertised their garments in violation of California Business & Professions Code § 17500 *et seq.*

74. Defendants knew or should have known that their actions would cause consumers to believe that their product was made by, sold by, endorsed by, or somehow affiliated with Plaintiff, and that their express or implied representations were false or likely to mislead.

75. Defendants' acts of false advertising have caused and will continue to constitute unlawful, unfair, malicious and fraudulent business practices which have seriously injured Plaintiff and its business in California, for which Plaintiff has no adequate remedy at law.

76. Defendants have irreparably injured Plaintiff, and such injury will continue unless or until Defendants are preliminarily or permanently enjoined from the unauthorized use of the GLITZ Mark.

EIGHTH CAUSE OF ACTION

(For California Statutory Trademark Dilution Under Cal. Business & Professions Code § 17247 *et seq*.– Against All Defendants, and Each)

77. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 76 above.

78. Defendants' use of the GLITZ Mark in labeling, advertising and sales of their garments has been for their sole commercial gain.

79. Defendants' use of the GLITZ Mark dilutes the distinctive quality of the GLITZ Mark and tarnishes the public image and causes the actual dilution of the GLITZ Mark. This dilution of the GLITZ Mark has impaired and will continue to impair Plaintiff's ability to identify and distinguish its garments from those sold by Defendants.

80. Defendants' willful and deliberate acts of trademark dilution have caused and will continue to cause irreparable injury to Plaintiff's business in California and elsewhere. Defendants have thus intentionally diluted Plaintiff's trademark in violation of California Business & Professions Code § 17247 *et seq.*

81. Defendants' acts constitute unlawful, unfair, malicious and fraudulent business practices which have seriously injured Plaintiff and its business in California.

82. Defendants have irreparably injured Plaintiff, and such injury will continue unless or until Defendants are preliminarily or permanently enjoined from the unauthorized use of the GLITZ Mark.

NINTH CAUSE OF ACTION

(For Civil Conspiracy Under California Common Law)

83. Plaintiff repeats, realleges and incorporates herein by reference the allegations of paragraphs 1 to 82 above.

84. Defendants' undertook activities to manufacture, label, advertise, and sell garments infringing the GLITZ Mark pursuant to an intentional and common plan and design to infringe the GLITZ Mark.

85. The Defendant' common plan and design to knowingly and intentionally infringe the GLITZ Mark produced the damages complained of herein.

86. Plaintiff is entitled to recover from Defendants all gains, profits and advantages which Defendants have enjoyed as a result of their wrongful acts, for which Defendants are jointly and severally liable.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

A. For entry of a preliminary and permanent injunction prohibiting Defendants, their officers, employees, agents, partners, servants, owners, shareholders, attorneys, assigns and all others acting in privity therewith, from committing further infringing acts including:

1. Using any label, advertisement, trademark, trade name or domain name that includes the GLITZ Mark or marks confusingly similar to it, in the design, manufacture, or sale of garments in the United States;
2. Otherwise infringing or diluting Plaintiff's trademarks, trade names, or unfairly competing with Plaintiff, or otherwise damaging Plaintiff's business reputation in any manner;
3. Using, registering, or reserving any domain name, Twitter name, Facebook page name or similar domain or social networking name or page that includes reference to the GLITZ Mark or is confusingly similar thereto;

4. Making, advertising, selling or offering for sale any garment bearing the GLITZ Mark or any mark that is confusingly similar thereto;
5. Engaging in any activity which constitutes deceptive or unfair competition with Plaintiff and from otherwise interfering with Plaintiff's use and enjoyment of the GLITZ Mark.

B. For an order:

1. That Defendants be directed to deliver to Plaintiff all advertising materials, packaging, labeling and/or garments or piece goods bearing the GLITZ Mark in Defendants' possession or control;
2. Finding that Defendants have violated 15 U.S.C. §§ 1114, 1117, 1125 and the California common law and statutes, have infringed Plaintiff's GLITZ Mark, have engaged in unfair competition, false designation of origin and trademark dilution, and are jointly and severally liable for the resulting harm, damages, and other monetary relief provided by the Court;
3. Finding that Plaintiff is the exclusive owner of the GLITZ Mark and that such mark is valid and enforceable;
4. Granting an award of damages suffered by Plaintiff as determined in subsequent proceedings before this Court,
5. For an accounting of Defendants' profits as a result of their violation of Plaintiff's trademark rights under the Lanham Act;
6. Granting an award of three times the amount of compensatory damages and profits pursuant to 15 U.S.C. § 1117, and punitive damages to be determined in subsequent proceedings before this Court;

7. Granting an award of Plaintiff's costs, expenses and reasonable attorneys' fees and other and further relief as is just and proper.

Dated: May 24, 2017

FISHERBROYLES, LLP

By: /s/ Christopher Pey, Esq.
Christopher Pey

Attorneys for Plaintiff
A Base IX Co. LLC.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial of all issues triable by a jury.

Dated: May 24, 2017

FISHERBROYLES, LLP

By: /s/ Christopher Pey, Esq.
Christopher Pey

Attorneys for Plaintiff

A Base IX Co. LLC